HONOURABLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.1607 OF 2004

Between

Bommineni Sreenivas Reddy
and 29 others.

...Petitioners

And

Government of India, Ministry of Home Affairs, (Freedom Fighters Division)
Reptd by its Under Secretary to Government of India, Lok Nayak Bhavan, Khan Market, Hyderabad.

...Respondent

:: O R D E R ::

Counsel for the Petitioners : Shri Kowturu Vinaya Kumar

Counsel for the Respondent : Shri A.Rajashekar Reddy,
Assistant Solicitor General
of India.

Dated: 14th November 2006

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In this petition, the petitioners have prayed for quashing communications vide which Under Secretary to Government of India, Ministry of Home Affairs, rejecting their claim for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

The petitioners (30 in number) are said to have participated in the movement against the erstwhile Government of Nizam. They claim to have attended border camps. They applied for grant of pension under the 1980 Scheme. Their applications were recommended by the Screening Committee constituted by the Government of India, but the recommendations of the Screening Committee were rejected by the Government of India on the ground that the border camps attended by the petitioners do not figure in the list certified by the High Powered Screening Committee. This was communicated to them by Under Secretary to the Government of India

vide letters which have been impugned in this petition.

In the counter-affidavit filed on behalf of the Government of India, it has been averred that the claim of the petitioners were rejected because the border camps allegedly attended by them do not figure in the approved list of the Government of India.

I have heard learned counsel for the parties and perused the record.

Shri Kowturu Vinaya Kumar, learned counsel for the petitioners submitted that the solitary ground on which the claim of the petitioners for grant of pension had been rejected i.e., non- recognition of the Border Camps attended by them does not subsist any more because during the pendency of the writ petition, Government of India has recognized 18 additional Border Camps, which include those attended by petitioner Nos.1, 2, 3, 6, 7, 9, 10, 19, 21, 23 and 28. He further submitted that the Court may direct the respondents to consider the claims of these petitioners and the remaining petitioners may be permitted to withdraw this petition with liberty to file fresh applications for grant of pension.

Shri A.Rajashekar Reddy, Assistant Solicitor

General of India fairly states that in view of the decision taken by Government of India to recognize 18 additional Border Camps, the cases of petitioner Nos. 1, 2, 3, 6, 7, 9, 10, 19, 21, 23 and 28 will be reviewed and appropriate decision in the matter of grant of pension to them will be taken within a maximum period of three months from today.

In view of the statements made by learned counsel for the parties, the writ petition is disposed of in the following terms:

(1) the cases of petitioner Nos. 1, 2, 3, 6, 7, 9, 10, 19, 21, 23 and 28 shall be reconsidered by the competent authority of Government of India and decided within a period of three months from today;

(2) such of the petitioners, who are treated eligible and found entitled to receive pension under the 1980 Scheme shall be paid pension including the arrears, if any, from the date of their eligibility; and

(3) the remaining petitioners are granted leave to withdraw

their cause with liberty to file fresh applications

for grant

of pension under the 1980 Scheme.

G.S.SINGHVI, CJ

Note:
The Court Officer is directed to give attested copies of this order to the learned counsel for the parties.
14.11.2006
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